

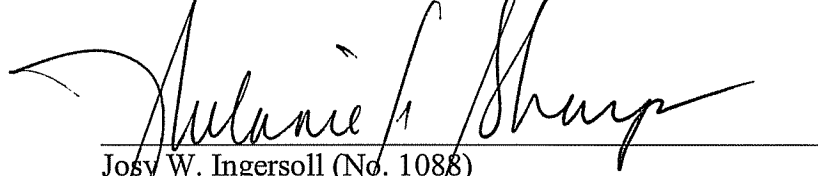
**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Abbott Diabetes Care, Inc.,	)	
<i>a Delaware corporation,</i>	)	
	)	
Plaintiff,	)	C.A. No. 05-590 (GMS)
	)	
v.	)	
	)	
DexCom, Inc.,	)	
<i>a Delaware corporation,</i>	)	
	)	
Defendant.	)	

**DEXCOM, INC.’S MOTION TO STRIKE “AMENDED COMPLAINT”  
AND RENEWED MOTION TO DISMISS COMPLAINT**

Defendant DexCom, Inc. (“DexCom”) hereby respectfully moves, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the “Amended Complaint” (D.I. 55) and to renew its motion to dismiss the original complaint (D.I. 1) in the above action. DexCom alternatively moves to strike, the “Amended Complaint” (D.I. 55) for failure to seek leave of court under Rule 15(d). The grounds for this combined motion are set forth in DexCom’s accompanying opening brief, and the opening and reply briefs in support of DexCom’s Motion to Dismiss the original complaint. (D.I. 5, 6, 19.)

YOUNG CONAWAY STARGATT & TAYLOR, LLP

A large, stylized handwritten signature in black ink, which appears to read "Melanie K. Sharp". The signature is written over a horizontal line.

Josy W. Ingersoll (No. 1088)

Melanie K. Sharp (No. 2501)

John W. Shaw (No. 3362)

The Brandywine Building

1000 West Street, 17<sup>th</sup> Floor

Wilmington, DE 19801

P.O. Box 391

Wilmington, DE 19899-0391

(302)571-6681

[msharp@ycst.com](mailto:msharp@ycst.com)

David C. Doyle (CA Bar No. 70690)

M. Andrew Woodmansee (CA Bar No. 201780)

Brian M. Kramer (CA Bar No. 212107)

12531 High Bluff Drive

Suite 100

San Diego, CA 92130

(858)720-5100

*Attorneys for Defendant DexCom, Inc.*

DATED: July 12, 2006

Defendant.

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C.A. No. 05-590 (GMS)

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2006, defendant DexCom (“DexCom”) having moved to dismiss the Complaint (D.I. 1) and Amended Complaint (D.I. 55) in the above action pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, or alternatively to strike said Amended Complaint for failure to seek leave of court under Rule 15(d), and the Court, after considering the positions of the parties, having concluded that good grounds exist for the requested relief; now therefore,

IT IS HEREBY ORDERED that DexCom's motion is granted and that the Complaint and Amended Complaint are dismissed.

United States District Judge

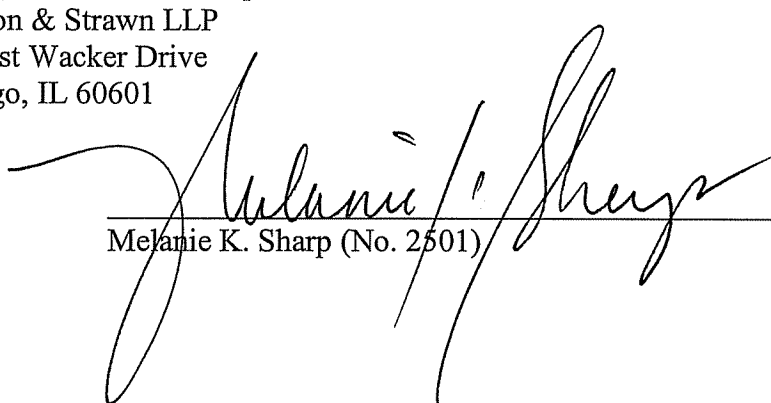
**CERTIFICATE OF SERVICE**

I, Melanie K. Sharp, Esquire, hereby certify that on July 12, 2006, I caused to be electronically filed a true and correct copy of the foregoing document, Dexcom, Inc.'s Motion to Strike "Amended Complaint" and Renewed Motion To Dismiss Complaint, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Mary B. Graham, Esquire  
Morris Nichols Arsht & Tunnell LLP  
1201 North Market Street  
PO Box 1347  
Wilmington, DE 19899-1347

I further certify that on July 12, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY E-MAIL**  
James F. Hurst, Esquire  
Bradley C. Graveline, Esquire  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601

  
\_\_\_\_\_  
Melanie K. Sharp (No. 2501)